UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/SR.7
2 May 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 March 1996, at 4 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

CONTENTS

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF MEXICO

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-11800 (E)

The meeting was called to order at 4.10 p.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF MEXICO

1. Mr. GONZALEZ GALVEZ (Mexico) said that, in international affairs, his Government was committed to defending the rule of law, as a bastion against abuse, and respect for human rights. At the domestic level, President Zedillo had clearly stated that no one was above the law and that the Government planned to carry out constitutional reforms to overhaul completely the administration of justice.

2. Mexico cooperated fully with the various United Nations human rights mechanisms. The High Commissioner for Human Rights was to visit the country in April 1996 to attend a meeting of the Latin American ombudsmen, and the Government was trying to determine the best dates for a visit to Mexico by the Commission's thematic special rapporteurs. It had likewise invited the Inter-American Commission on Human Rights to pay a visit in 1996.

3. On the eve of the twenty-first century, his Government noted with concern that human rights were not fully respected throughout the world, particularly because of differing levels of national development, social injustice and poverty. Mexico had modernized its economy and, like other countries of the continent, was involved in a process of economic integration whose objective was to raise the peoples' standard of living. Despite the economic crisis that continued to rage, expenditure on social-development programmes had been significantly increased.

4. The events that had occurred in four municipalities of the State of Chiapas in early 1994 had revealed the inadequacy of the efforts to meet the legitimate aspirations of the largely indigenous inhabitants of that region, where marginalization and poverty prevailed. The Government of President Zedillo was determined to combat extreme poverty and to build a more united, juster and more democratic State. One of its priorities was to establish new relations with the indigenous communities. In an initial manifestation of that new relationship, an agreement had been concluded in Chiapas on 16 February 1996 between the Federal Government and the Ejército Zapatista de la Liberación Nacional (EZLN) concerning indigenous rights and culture. The conflict in Chiapas showed that it was possible to avoid serious, and perhaps irreparable, rents in a country's social fabric by taking rapid action to find political solutions to the legitimate demands of the various social groups.

5. His authorities were greatly concerned by the growing xenophobia evident in many countries, including highly developed ones. In an increasingly interdependent world, discriminatory treatment of minorities or migrants was unacceptable. A few days previously, representatives of Mexico, Canada, the United States of America and the Central American countries had met at Puebla, Mexico, to study the phenomenon of migration in all its complexity and to promote regional cooperation. In that connection, his Government called on all States to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In the

field of human rights, only treaties determined the international obligations of States: no country could unilaterally arrogate to itself the role of policeman of the world.

6. The reforms undertaken within the United Nations must take account of the role and importance of international cooperation; they must open the door to realistic programmes devoid of any politicization.

7. Lastly, he said that his delegation would like to see the inclusion in the Commission's agenda of a separate item on the question of indigenous populations.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (item 4 of the provisional agenda) (continued) (E/CN.4/1996/18 to 21, 108 and 120)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (item 7 of the provisional agenda) (continued) (E/CN.4/1996/26 and 27)

8. Mr. OZDEN (Centre Europe-Tiers Monde) said that many peoples were still deprived of the fundamental right to self-determination that had been proclaimed in 1960 in General Assembly resolution 1514 (XV) and set out in the two International Covenants on Human Rights. For example, the Kurds, numbering 30 million people, had not yet been able to form a nation State owing to the vicissitudes of history. Their fundamental rights continued to be violated before the very eyes of the international community. Mr. Ismail Besikçi, the famous Turkish sociologist who was defending the Kurdish cause, had been sentenced to 203 years in prison.

9. Kurdistan was still split up among a number of States of the region. In Turkey, Kurds had no official existence and four million of them had been forced into exile, in Iran, they were subjected to forced assimilation, in Syria, they had no social or political status and, in Iraq, though they were theoretically recognized by the Constitution, they were persecuted. The Security Council, in its resolution 688 (1991), had declared a portion of Iraqi Kurdistan north of the 36th parallel an "aerial exclusion zone"; legislative elections had been held under United Nations auspices in 1992 and Iraqi Kurdistan had theoretically been placed under United Nations protection. Nevertheless, the Turkish army and the Iranian army ravaged the region with total impunity. As if it was not enough to violate the rights of Kurds daily, Iraq, Iran, Syria and Turkey were constantly instigating fratricidal squabbles among Kurdish factions.

10. The common denominator of all those elements was a negation of the right to self-determination and of other fundamental rights of the Kurdish people. It was high time that the Kurdish people was allowed to regain its rights so that peace could return to the region.

11. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that the Commission must help peoples who lived under colonial or alien domination or foreign occupation to realize their right of self-determination. Its new interpretation of the right to self-determination had a special significance

for southern Asia, where societies sought both to preserve their specific ethnic and cultural traditions and to achieve greater participation in political life.

12. In the past, the Commission had already heard a number of comments about self-determination in Jammu and Kashmir. The special position granted to that territory in the Indian Constitution seemed to have been eroding for some time, but the Indian Constitution and democracy should be able to respond in a positive way to the aspirations of the Kashmiri people for greater decentralization of power.

13. The demand for self-determination was increasingly being voiced by groups that tended to base their identities not on the nation State but on ethnic origin, region, language and religion. To prevent such demands from resulting in a return to the closed and inward-looking societies of the past, the importance of stable borders and the nation State must be brought home to those who sought to form isolated societies.

14. Mr. GILANI (World Society of Victimology) said it was disturbing that the United Nations and the world community should make pledges concerning the right to self-determination and then allow the machinery of a State to engage in massive human rights abuses. Even though the United Nations had been concerned with the question of self-determination in Kashmir since 1948, the situation remained frozen. United Nations observers in Kashmir continued to supervise a cease-fire, the United Nations was still spending funds on Kashmir, the peace between India and Pakistan was still very precarious and the people of Kashmir were scattered throughout various territories, while the two countries involved spent enormous sums to maintain their military presence. In utter disregard of the supervisory role envisaged for it by the United Nations, India had engaged 44 per cent of its military strength in Kashmir in a struggle against an entire people.

15. The solution was nevertheless a very simple one: the Commission should demand to see the reports communicated to the Secretary-General by the United Nations military observers in Kashmir and the measures adopted by the United Nations concerning Kashmir should be reactivated. In the meantime, respect for the human rights of the people of Kashmir must be ensured in a tangled situation in which the United Nations, India, Pakistan, Indian-occupied Kashmir and Azad Kashmir were all involved. India, which had accepted the United Nations mandate with regard to the people of Kashmir, must satisfy that people's aspirations to self-determination and stop its persecution. The United Nations had been established 50 years previously, and the question of the right to self-determination of Kashmir had been on its agenda for 47 of those years. It was difficult to see how India, which owed its very being to the right to self-determination, could deny that right to the people of Kashmir, thereby jeopardizing peace in the region.

16. Mr. KHAN (International Movement against All Forms of Discrimination and Racism) said that, for the people of Kashmir, the tragedy had begun with the interference of India and Pakistan in the territory and its division into three parts: Indian-occupied Kashmir, Pakistani-occupied Kashmir, including the northern areas, and the area ceded to China by Pakistan. Yet India and Pakistan had, on many occasions, recognized the right to self-determination

of the people of Kashmir. Instead of abiding by the 1948 Security Council recommendation that a plebiscite be held to determine the wishes of the people of Kashmir, India and Pakistan had thrice gone to war, to their great human and economic loss.

17. In the area under Indian occupation, repression and persecution remained widespread and the Indian security forces were committing untold atrocities.

18. Pakistani-occupied Kashmir was divided into two parts: Azad Kashmir and Gilgit Baltistan. In Azad Kashmir, discrimination was integrated into the legal system, since no political party or individual could participate in elections without accepting the principle of the area's accession to Pakistan. In the northern areas, the people were living in stone-age conditions. According to Dr. Mahboob-ul-Haq, former Minister of Finance of Pakistan and Vice-President of the World Bank, India and Pakistan were spending more than US$ 20 billion every year on arms purchases. He had urged both India and Pakistan to hand over the entire State of Jammu and Kashmir, including Gilgit Baltistan, to the United Nations for a period of 10 to 15 years; he had also proposed that they unconditionally remove all forces of occupation and that the World Bank, the International Monetary Fund and the Group of Seven most developed countries (G-7) provide economic assistance to Jammu and Kashmir during that period. Once the area was on track to stabilization and social development, the people of Kashmir could then decide their own political future.

19. His organization appealed to the Commission to encourage India and Pakistan to accept that proposal, so as to facilitate the reunification of that divided state before it was too late.

20. Mr. BARKER (Australia), referring to the situation in the Middle East, said that the recently elected Australian Government had moved quickly to put on public record its strong commitment to supporting the peace process between Israel and the Palestinians. His Government deplored the recent terrorist attacks in Israel and welcomed the clear message delivered by the international community at the Sharm-El-Sheikh Summit that those who used terror to oppose peace would not be allowed to succeed. The Israeli and Palestinian authorities must combine their efforts to vanquish terrorism.

21. His Government welcomed the achievements of the Palestinian Authority in Gaza and the West Bank especially the Council elections, the development and management of economic infrastructure and the efforts to improve the security situation. It would continue to provide practical support for the peace process through full participation in the Water Resources and Arms Control and Regional Security (ACRS) working groups, which were areas where it believed that Australian expertise would be useful.

22. Mr. LEMINE (Mauritania) said that the considerable progress made in implementing the Declaration of Principles signed in Washington on 13 September 1993 and the other subsequent agreements, showed that the Middle East was definitely committed to peace because peace constituted for all the peoples of the region a strategic choice that would open up enormous prospects and bring them considerable advantages. However, solid and lasting peace had to be just and comprehensive and must, therefore, be based on law

and international legality. It should enable the Palestinian people to exercise their legitimate national rights, which meant the withdrawal of Israel from all occupied Arab territories, including the Syrian Golan and southern Lebanon.

23. As the Head of his Government had stated at the Sharm-El-Sheikh Summit of the Peacemakers, the peace process remained fraught with problems and the path to peace was still strewn with obstacles and dangers. Although there had been many such obstacles in recent months, they should nevertheless not shake the faith of the peacemakers; on the contrary, they must strengthen the commitment of all parties to peace, the best defence against violence.

24. The repressive measures adopted by Israel following the recent outrages were not conducive to peace and were more likely to fan the flames of violence rather than extinguish them. Actions favouring dialogue and understanding needed to be undertaken to restore the full confidence of populations traumatized by decades of occupation and repression. To consolidate peace, it was vital to improve the human rights situation in the occupied territories. That was not an impossible task given the ground already covered since Oslo. Although some challenges remained, any obstacles could be overcome if the political will existed.

25. Mr. MEJIA SOUS (Nicaragua) said he welcomed the agreements signed within the framework of the Middle East peace process which had rendered possible the recent holding of first elections to the Palestinian Council. However, despite the progress made, there were still many obstacles in the path to peace. The serious problem of extremism was one of them. His Government reiterated its unflinching support for any initiative aimed at combating terrorism in all its forms and, in that regard, had welcomed the holding of the Sharm-El-Sheikh Summit.

26. The economic and social development of the occupied Arab territories was the only way to achieve peace in the Middle East and establish good relations between Israelis and Palestinians. To that end, the international community must help the Palestinian Authority to become economically independent. The frequent sealing-off of the West Bank and Gaza Strip caused serious damage to the Palestinian economy and only heightened social unrest.

27. The Palestinian Authority and the Israeli Government - political entities responsible for the lives of millions of human beings - must work together in a spirit of confidence in order to guarantee both the security of Israel and the right of the Palestinian people to self-determination.

28. Mr. ZOZULIA (Ukraine) said that it was essential to examine the content of the right to self-determination, a complex right that had many ramifications in the lives of peoples and countries, in order to prevent inter-ethnic conflicts and conflicts between States. One of the components of that right was the right to territorial separation, which must be differentiated from territorial separatism.

29. As the President of Ukraine, Mr. Kuchma, had noted in the General Assembly on the occasion of the fiftieth anniversary of the United Nations, separatism, which was often a prime cause of local conflicts,

would be one of the most serious challenges of the twenty-first century. The Secretary-General, for his part, had noted that the twenty-first century would be torn between two contradictory trends: globalization and fragmentation.

30. On the one hand, the right to self-determination presupposed that a people or a nation had the right to separate itself territorially and establish an independent State. However, on the other hand, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States, that should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. Since there were no rules in international law to establish who could exercise the right to territorial separation and in what circumstances, filling that legal gap would assist the gradual development of the right to self-determination and would deprive separatist movements which did not meet the established criteria of a legitimate basis.

31. The following elements could serve as a basis for a legal instrument to regulate the application of the right to self-determination: the right to territorial separation could be granted only to an ethnic entity within the general framework of the right to national self-determination and the right to self-determination could not be granted to part of an ethnic group if that ethnic group already had a State outside the country, to an ethnic group which did not have a State institution if it was not the indigenous population group of the territory, or to an ethnic group which formed neither a compact community nor a majority in a specific territory, under certain conditions. The right could not be granted either if the ethnic entity was not subjected to discrimination, it being understood that measures adopted as part of migration policy should not be regarded as discriminatory. Any State would have the right, in defending its territorial integrity, to forestall separatist tendencies by taking steps to regulate immigration, provided that such steps were not incompatible with the general provisions of international law. Lastly, the right to territorial separation could not be granted if it was incompatible with the universally recognized standards and principles of international law.

32. His delegation was prepared to participate in the drafting of rules concerning the exercise of the right to self-determination. The effective realization of the right to self-determination through autonomy was one way dealing with certain situations.

33. His Government had granted considerable administrative autonomy to the Crimea in order to defuse tensions in that part of the country. Unfortunately, that had not been sufficient to silence certain political circles demanding the right to self-determination of a non-existent "Crimean people". The Crimea was one of the most ethnically diverse regions of Ukraine. The national, linguistic, religious and other minorities enjoyed all the rights and freedoms provided for by universally recognized international instruments, including the right to freedom of expression. His delegation would revert to that point under agenda item 16. However, it wished to stress the difference between the right to self-determination and the right to freedom of expression.

34. Moreover, since international law did not offer any definition as to who could exercise the right to self-determination, it would be useful to consider that question on the basis of the principle of causae sufficientis, on the one hand, and that of exceptis excipiendes, on the other. The former principle could be invoked, for instance, with respect to the draft declaration on the rights of indigenous peoples, while the latter could be invoked in connection with a universal convention on the rights of persons belonging to national or ethnic, religious and linguistic minorities.

35. He urged the international community to create the conditions for the legitimate exercise by all peoples of their rights to freedom of choice and to economic, social and cultural development, on the basis of balanced and mutually advantageous cooperation.

36. Mr. AHSAN (Bangladesh) said that the human rights violations committed in the occupied Arab territories, including Palestine, were all obviously linked to the continued occupation of those territories by Israel and the expansion of illegal settlements in the West Bank, despite official policy. However, the return of Yasser Arafat to the territories and his election as President of the Palestinian Authority, following democratic elections, marked the beginning of the achievement by the Palestinians of their dream of and yearning for an independent State. The peace initiatives between Israel and its Arab neighbours, especially the Peace Agreement signed with Jordan, still held out hopes of finding a solution to the Middle East conflict and establishing lasting peace in the region. In his delegation's view, however, it was essential to recognize the right of the Palestinians to self-determination, to their own land and to political association. While condemning mindless violence, particularly the recent atrocities against innocent civilians in Jerusalem, Tel Aviv and Ashkelon, it felt that isolated acts of terrorism must not be used as a pretext for reprisals against the entire Palestinian nation. As President Arafat himself had said, occupation, siege or the sealing-off of the territories, restrictive measures and collective punishment would not resolve the problem.

37. The transfer of certain powers to the Palestinian National Authority was indeed a positive development and the holding of democratic elections had demonstrated that the Palestinian leaders were capable of honouring their commitment to exercise power and assume responsibilities, with due regard for internationally recognized human rights standards and principles and the primacy of law.

38. However, their action would also be largely contingent on the acts of the Israeli authorities during the period of transition towards the establishment of a sovereign Palestinian State. Those authorities must, first of all, dismantle the illegal settlements in the occupied territories and take practical steps to safeguard the right of Palestinians to their land, means of subsistence and a State. They must, as a matter of urgency, stop their collective punishment of the population and make a distinction between terrorists who attacked civilians and the community or population to which such terrorists belonged. The individual or group of individuals who committed such acts of violence must always bear the responsibility for them. Failure to observe that principle in the case of the Palestinians would amount

to discrimination and constitute a violation of human rights principles. It would also strengthen the argument that collective punishments pushed young Palestinians towards extremism.

39. Mr. WIDODO (Indonesia) said that Indonesia had always supported the Palestinian people in its struggle to exercise its inalienable right to self-determination, safeguard its national independence and regain its territorial integrity, because Indonesia firmly believed that the independence of the Palestinian people was a sine qua non for achieving peace, security and stability in the region. Although Israel had established new relations with the State of Palestine as part of the peace process, it still continued its aggressive policies and expansionist practices in the occupied Arab territories and continued to apply repressive policies which constituted flagrant violations of internationally recognized human rights standards and humanitarian law. Such practices must cease immediately because peace, security and justice could not be built on the violation of the fundamental rights of the peoples concerned.

40. As for the question of East Timor, it was an undeniable historical fact that the people of East Timor had legitimately exercised their right to self-determination in accordance with the relevant resolutions of the United Nations General Assembly, and had opted to become part of Indonesia by the Balibo Declaration of 1975. Moreover, on 30 June 1995, the International Court of Justice had overwhelmingly rejected, by 14 votes to 2, Portugal's claim to be the administering power of East Timor. The Court took the view that the United Nations resolutions cited by Portugal to bolster its claim did not impose an obligation on States not to recognize any authority on the part of Indonesia over the territory and, where the latter was concerned, to deal only with Portugal. In that connection, he referred the Commission to pages 12 to 14 of the Secretary-General's report (E/CN.4/1996/56) which set out the individual opinions of four of the Court's judges. Moreover, the Government of Indonesia had agreed to engage in a dialogue with Portugal, under the auspices of the Secretary-General, with a view to achieving a just, comprehensive and internationally acceptable solution to the problem. His Government was still willing to engage in such a dialogue.

41. Mr. AKRAM (Pakistan) said it was tragic that the right of the people of Jammu and Kashmir to self-determination, a principle of international law enshrined in Articles 1 and 55 of the Charter and many other instruments, and reaffirmed in several United Nations resolutions, had yet to be exercised. In its resolutions 91 (1951) and 122 (1957), the Security Council affirmed that the unilateral actions taken by the occupying power, such as the convening of a constituent assembly, could not determine the future of the State of Jammu and Kashmir in accordance with the principle of a free and impartial plebiscite.

42. All the so-called elections "organized" in Kashmir had been rigged and fraudulent, including those held in 1989, when only 3 per cent of the people of Kashmir had participated. That was why, in late 1989, the Kashmiri people had launched a peaceful campaign to secure their freedom. That campaign had been savagely repressed, through the massive violations of human rights perpetrated by the occupying forces that had been documented by numerous international human rights organizations. Frustrated by the resistance of

the Kashmiris, who continued to struggle valiantly to exercise their right to self-determination, the occupying forces had resorted to new tactics and strategies, including subversion and intimidation, to retain their grip on power. They had even gone so far as to recruit mercenaries to discredit the Kashmiri freedom fighters and denigrate their legitimate struggle. All evidence pointed to the fact that the "Al-Faran Group", which had kidnapped four European tourists and killed one of them, was a counter-insurgency unit consisting of mercenaries and created by the occupying forces. Their attempts to organize fraudulent elections having been unanimously rejected by the people of Kashmir and its representatives, the occupying forces were resorting to direct attacks on those representatives. The recent abduction of Mr. Jalik Andrabi, who was still listed as missing, was part of a campaign of terror unleashed by the occupying forces in Jammu and Kashmir against the Kashmiri people. His delegation endorsed the demands of the non-governmental organizations (NGOs) for the immediate release of Mr. Andrabi and a halt to attacks on Kashmiri leaders.

43. There was only one possible solution to the Kashmir dispute, the only solution acceptable to the Kashmiri people, that of expressing their will freely through a fair and impartial plebiscite under the auspices of the United Nations. The time had come to resolve the issue of Kashmir in accordance with the wishes of the people, the dictates of justice and the resolutions of the Security Council.

44. The CHAIRMAN invited delegations wishing to speak in exercise of the right of reply to take the floor.

45. Mr. ASSADI (Observer for the Islamic Republic of Iran) said it was unfortunate that, the previous day, the Permanent Representative of the United States of America to the United Nations should have abused her privileged position as guest speaker to make accusations against certain countries and politicize the issue of human rights. That type of attack, customary for the United States, did not merit a response.

46. Nevertheless, to ensure that the Commission's work went smoothly, he would appreciate it if the Chairman would remind guest speakers of the general dictates of diplomatic etiquette. He would be particularly grateful if the Chairman - through the United States delegation - would inform Mrs. Albright that the Iranian delegation was ready and willing to debate, on an equal footing, the question of human rights in Iran, either within the Commission or in any other public setting, as long as it was agreed that the debate would also cover the way in which the United States Government had systematically violated the human rights of the Iranian people in various areas.

47. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said he wished to respond to the tendentious comments made the day before on the role of Morocco in the question of the Western Sahara. The process of drawing up a voter's list required cooperation between the two parties and, if the process had come to a halt, that was not the fault of Morocco. In that connection, he referred to the reports of the Secretary-General, particularly those contained in documents S/1995/779 (paras. 46 to 48) and S/1996/43 (paras. 27 and 28).

48. As far as openness and dialogue were concerned, those who advocated such measures should start by applying them themselves. Even though the settlement plan did not expressly provide for a dialogue, Morocco had never closed the door.

49. Lastly, he would be interested to see what evidence France-Libertés: Fondation Danielle Mitterrand and the International Association of Jurists could provide in support of their fallacious allegations.

50. Mr. LAMDAN (Observer for Israel) said that an outside observer, listening to the deeply prejudiced statements made the day before concerning his country, could have gained a totally distorted impression of Israel's position on human rights. It would seem that the killing and maiming of large numbers of Israelis in various attacks was negligible when compared with the fact that Israel, in order to protect itself, closed the gates to its territory to people which it was under no obligation to admit.

51. The height of hypocrisy had come from Iran, the purveyor of Islamic fundamentalist terror, and the crude misinformation disseminated by some NGOs - for example, about Israeli draft legislation that had never even been submitted to the Knesset.

52. Fortunately, several participants had pointed to the Palestinians' own responsibility to respect human rights and to the Palestinian Authority's clear failures in that regard, and had recognized the inadequacies of the Special Rapporteur's mandate.

53. Several speakers had also underlined the direct threat which terror represented to the peace process. Mr. Arafat had himself denounced the latest terrorist outrages in Israel and had signed the Sharm-el-Sheikh Declaration condemning terror in all its forms and whatever its motives. That did not seem to square with the intemperate outbursts of the observer for Palestine, who appeared to be representing no one but himself.

54. Mr. EGUZ (Observer for Turkey), responding to accusations just made by a NGO against his country, said that, in the Commission - a United Nations body made up of sovereign States - no one had the right to question the validity of international treaties that had given birth to independent Member States.

55. Turkey was a pluralist democracy, where the rule of law prevailed and free and fair elections were held regularly. It had no problem whatsoever with its citizens of Kurdish ethnic origin, more than 60 per cent of whom lived peacefully in the western portion of the country, where they fully enjoyed all the rights provided for all Turkish citizens by the Constitution. The most recent general elections in Turkey had been held on 24 December 1995. All Turkish citizens, whether of Kurdish or of other ethnic origin, had freely elected their representatives to the Turkish Grand National Assembly.

56. It was ironic that, at a meeting of the Commission on Human Rights, a NGO pretending to be a human rights defender should actually make threats and call for violence.

57. Mr. de SANTA CLARA GOMES (Observer for Portugal) said that, notwithstanding the allegations by the representative of Indonesia that the people of East Timor had been able to exercise the right to self-determination, that territory was still considered to be a "non-self-governing territory" within the meaning of Chapter XI of the Charter.

58. In a judgement delivered on 30 June 1995 relating to the delimitation of the East Timor continental shelf, the International Court of Justice had recognized that that state of dependence persisted. It had judged as "irreproachable" Portugal's assertion that the right to self-determination, as it had evolved from the Charter and from United Nations practice, had an "erga omnes" character.

59. Challenged by the Portuguese Government to accept the jurisdiction of the International Court of Justice and abide by its ruling in the case, the Indonesian Government had so far failed to make any positive response.

60. Mr. WIDODO (Indonesia) recalled, for the record, that the Ministry of Foreign Affairs of Indonesia had issued a press release on 3 July 1995 welcoming the decision of the International Court of Justice in its entirety, including on the issue of self-determination. Indonesia had always recognized the right of the people of East Timor to self-determination. However, it interpreted the verdict of the Court as clearly rejecting Portugal's case with regard to both procedure and substance. The fact that the Court, the highest legal body in the United Nations, had rejected Portugal's claim to be the administering power of East Timor was undisputed and had never been denied by Portugal.

61. The case would be judged by history alone, although it might never be known whether the Portuguese had given anything to East Timor in 450 years of colonization and precisely why, on the night of 26 August 1975, they had abandoned East Timor, leaving their guns and munitions to their surrogates.

62. Mr. RAMLAWI (Observer for Palestine), said, for the benefit of the observer for Israel, that never in history had there been a case when a country had been authorized to perpetrate crimes to protect itself. As for the "terrorist acts" of the Palestinians, the international community made a clear distinction between terrorism and the right of peoples to combat foreign occupation, including in arms, in order to gain their independence and liberate their territory.

63. He would refrain from responding to the ridiculous remarks as to whether or not his words were representative of the views of President Arafat.

64. Mr. ASSADI (Observer for the Islamic Republic of Iran) said that he would not reply to the attacks made by the observer for Israel against his Government. What mattered most was that Israel should win support for the peace process from the Palestinian people living under occupation by demonstrating that it was a just peace, not by forcing it to accept the peace at the point of the bayonet.

65. Mr. de SANTA CLARA GOMES (Observer for Portugal) said that Indonesia's interpretation of the decision of the International Court of Justice appeared to contradict the terms of the decision itself. Nevertheless, he was very pleasantly surprised by the respect shown by the representative of Indonesia for the Court and hoped that Indonesia would accept that body's jurisdiction in future, and abide by its conclusions in the East Timor case.

66. Mr. LAMDAN (Observer for Israel) said that Iran would have to work hard to convince the international community that it was not a purveyor of terrorism and that it defended human rights. As for the remarks by the observer for Palestine, he regretted that once again that observer had confined himself to justifying the use of terror; it would have been preferable if, like the Palestinian President, he had condemned loud and clear the latest terrorist outrages in Israel and espoused the spirit of Sharm-el-Sheikh.

67. Mr. WIDODO (Indonesia) reiterated that history would judge the case of East Timor.

68. Mr. RAMLAWI (Observer for Palestine) said that the day the observer for Israel denounced his own Government for repeated human rights violations and the crimes committed since 1967 - crimes that had already been condemned by the Commission - he himself would denounce acts by individuals that were not State practices.

The meeting rose at 6.05 p.m.